

2. State date of your being sworn in as a police officer with the TOWN OF TUXEDO POLICE DEPARTMENT.

3. State the date of your graduation from the police academy.

4. State the dates, locations, and specific purposes of all police training that you have had.

5. With respect to the date of December 4, 2006, state the following:

a. Whether you worked as a police officer that day;

b. If so, what tour;

c. If so, identify by full name, rank, and badge number any partner or partners.

d. If so, state what police equipment you were carrying on your person and in your patrol car, including but not limited to, lethal and non-lethal weapons and restraint devices, and identify which, if any, you utilized or advised anyone present you may utilize.

6. State the nature of what lead you to conduct a traffic stop of the plaintiff in the Town of Tuxedo, on December 4, 2006.

7. State whether you had ever had any contact with the plaintiff prior to December 4, 2006, and if so, give the specific dates, times, and locations of such contacts, and the nature and purpose of such contacts.

8. State whether during the course of the traffic stop of the plaintiff herein in the Town of Tuxedo on December 4, 2006, you were in contact with any supervisory police personnel of the rank of Sergeant or above, and, if so, what if any

instructions or directions were received by you from such personnel and by what means, in person, radio or telephone.

9. If so, please state the full name and rank of said supervisory police personnel.

10. State whether on December 4, 2006, plaintiff herein was placed under arrest and/or in custody.

11. If so, state whether plaintiff was placed in handcuffs.

12. If so, state whether plaintiff was placed in a patrol car and by whom, and too whom such patrol car was assigned.

13. If so, what was the legal justification or basis for such arrest.

14. State the Section of local, state, or federal law, for the violation of which the plaintiff was placed in custody.

15. State whether plaintiff was issued any Uniform Traffic Tickets, and, if so, by whom and for what violations of the New York State Vehicle and Traffic Law.

16. State whether you engaged in any communication whatsoever, in the years 2006 and 2007, with any authorities in Delaware County or any other county in the State of New York, including, but not limited, to the Hon. Thomas E. Mills, Sheriff in Delaware County, or any of his subordinates, pertaining to the pistol permit of plaintiff herein, and if so, the specific dates, times, and places of any such communications, and the nature of any such communications.

17. State whether you were working in your capacity as a Police Officer on December 17, 2007, and if so, whether you were present and/or participated and/or were involved in any way with the investigation of the plaintiff by the Child Protective Service of the Orange County Department of Social Services and/or the New York State Department of Social Services (CPS/DSS), and if so, please state the specific involvement.

18. State whether you initiated such investigation by any communication with either CPS/DSS, and, if so, state the dates, times, and specifics of such communications.

19. State whether you had any contact, by radio, or telephone, or in person with any other police or CPS/DSS personnel pertaining to such investigation.

a. If so, state the full name, rank, or title, and identification number of such personnel; and,

b. If so, state the sum and substance of each communication.

Dated: Poughkeepsie, New York  
February 29, 2008



Lee David Klein, Esq. (LDK 2270)  
Attorney for Plaintiff  
11 Market Street, Suite 204  
Poughkeepsie, NY 12601  
845-454-9200

TO:  
John J. Walsh, Esq.  
Hodges, Walsh & Slater, LLP  
Attorneys for Defendants  
55 Church Street, Suite 211

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ERIC K. MERRING,

Plaintiff,

- against -

THE TOWN OF TUXEDO, NEW YORK, THE TOWN OF  
TUXEDO POLICE DEPARTMENT, TOWN OF TUXEDO  
POLICE OFFICER ANTHONY DELIA, SHIELD NUMBER  
24, TOWN OF TUXEDO POLICE SERGEANT PATRICK  
WELSH, SHIELD NUMBER 17,

Defendants.

CV NO.:  
07 CV 10381 CLB

**INTERROGATORIES  
PURSUANT TO  
FRCP 33**

Assigned to:  
**Hon. Charles L. Brieant**  
United States  
District Judge

-----X  
  
TO: Defendant TOWN OF TUXEDO POLICE SERGEANT PATRICK WELSH,  
SHIELD NUMBER 17, THE TOWN OF TUXEDO POLICE DEPARTMENT

Pursuant to FRCP 33, the following Interrogatories are hereby propounded  
to defendant TOWN OF TUXEDO POLICE SERGEANT PATRICK WELSH, SHIELD  
NUMBER 17, by plaintiff herein, and to be answered by you upon oath in accordance  
with Rule 33(b), within thirty (30) days. You are required to set out each Interrogatory  
prior to the answer directed to it:

1. Please identify yourself, stating your full name, your age, your  
business or occupation and business address, your rank, your badge or identification  
number, and your assignment (patrol, traffic, detectives, administration, etc.).



2. State date of your being sworn in as a police officer with the TOWN OF TUXEDO POLICE DEPARTMENT.

3. State the date of your graduation from the police academy.

4. State the dates, locations, and specific purposes of all police training that you have had.

5. With respect to the date of December 4, 2006, state the following:

- a. Whether you worked as a police officer that day;
- b. If so, what tour;
- c. If so, identify by full name, rank, and badge number any partner or partners.
- d. If so, state what police equipment you were carrying on your person and in your patrol car, including but not limited to, lethal and non-lethal weapons and restraint devices, and identify which, if any, you utilized or advised anyone present you may utilize.

6. State the nature of what lead you to participate in a traffic stop of the plaintiff in the Town of Tuxedo, on December 4, 2006.

7. State whether you had ever had any contact with the plaintiff prior to December 4, 2006, and if so, give the specific dates, times, and locations of such contacts, and the nature and purpose of such contacts.

8. State whether during the course of the traffic stop of the plaintiff herein in the Town of Tuxedo on December 4, 2006, you were in contact with any supervisory police personnel of the rank of Sergeant or above, and, if so, what if any

instructions or directions were received by you from such personnel and by what means, in person, radio or telephone.

9. If so, please state the full name and rank of said supervisory police personnel.

10. State whether on December 4, 2006, plaintiff herein was placed under arrest and/or in custody.

11. If so, state whether plaintiff was placed in handcuffs.

12. If so, state whether plaintiff was placed in a patrol car and by whom, and too whom such patrol car was assigned.

13. If so, what was the legal justification or basis for such arrest.

14. State the Section of local, state, or federal law, for the violation of which the plaintiff was placed in custody.

15. State whether plaintiff was issued any Uniform Traffic Tickets, and, if so, by whom and for what violations of the New York State Vehicle and Traffic Law.

16. State whether you had any contact with the plaintiff at the TOWN OF TUXEDO POLICE station, and what if any duties you executed with respect to the arrest and charging of the plaintiff at the TOWN OF TUXEDO POLICE DEPARTMENT on December 4, 2006.

17. State whether the plaintiff was held in handcuffs and for what period of time.

18. State whether the plaintiff was placed in a holding or detention cell and for what period of time.

19. State whether you engaged in any communication whatsoever, in the years 2006 and 2007, with any authorities in Delaware County or any other county in the State of New York, including, but not limited, to the Hon. Thomas E. Mills, Sheriff in Delaware County, or any of his subordinates, pertaining to the pistol permit of plaintiff herein, and if so, the specific dates, times, and places of any such communications, and the nature of any such communications.

20. State whether you were working in your capacity as a Police Officer on December 17, 2007, and if so, whether you were present and/or participated and/or were involved in any way with the investigation of the plaintiff by the Child Protective Service of the Orange County Department of Social Services and/or the New York State Department of Social Services (CPS/DSS), and if so, please state the specific involvement.

21. State whether you initiated such investigation by any communication with either CPS/DSS, and, if so, state the dates, times, and specifics of such communications.

22. State whether you had any contact, by radio, or telephone, or in person with any other police or CPS/DSS personnel pertaining to such investigation.

a. If so, state the full name, rank, and identification number of such personnel; and,

b. If so, state the sum and substance of each communication.

Dated: Poughkeepsie, New York  
February 29, 2008



Lee David Klein, Esq. (LDK 2270)  
Attorney for Plaintiff  
11 Market Street, Suite 204  
Poughkeepsie, NY 12601  
845-454-9200

TO:  
John J. Walsh, Esq.  
Hodges, Walsh & Slater, LLP  
Attorneys for Defendants  
55 Church Street, Suite 211  
White Plains, NY 10601



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ERIC K. MERRING,

Plaintiff,

CV NO.:  
07 CV 10381 CLB

- against -

THE TOWN OF TUXEDO, NEW YORK, THE TOWN OF  
TUXEDO POLICE DEPARTMENT, TOWN OF TUXEDO  
POLICE OFFICER ANTHONY DELIA, SHIELD NUMBER  
24, TOWN OF TUXEDO POLICE SERGEANT PATRICK  
WELSH, SHIELD NUMBER 17,

**AFFIDAVIT  
OF SERVICE**

Defendants.

-----X  
STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF DUTCHESS    )

SUSAN SAMMUT, being duly sworn, deposes and says, that deponent is not a party to this action, is over 18 years of age and resides in Rhinebeck, New York; that on the 29th day of February, 2008, deponent served a true and correct copy of a **FIRST REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO FRCP 34, INTERROGATORIES PURSUANT TO FRCP 33** pertaining to defendant DELIA, **INTERROGATORIES PURSUANT TO FRCP 33** pertaining to defendant WELSH, **INTERROGATORIES PURSUANT TO FRCP 33** pertaining to defendant TOWN OF TUXEDO POLICE DEPARTMENT; and **INTERROGATORIES PURSUANT TO FRCP 33** pertaining to defendant TOWN OF TUXEDO in this matter upon:

John J. Walsh, Esq.  
Hodges, Walsh & Slater, LLP  
Attorneys for Defendants  
55 Church Street, Suite 211  
White Plains, NY 10601

at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
\_\_\_\_\_  
SUSAN SAMMUT

Sworn to before me this  
29th day of February, 2008.

  
\_\_\_\_\_  
Notary Public

LEE DAVID KLEIN  
Notary Public, State of New York  
Qualified in Dutchess County  
Commission Expires Oct. 14, 2010